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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,502	04/15/2004	Shozo Kobayashi	2026-0104006Reg	6567
22850	7590	06/15/2006	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.			PATTERSON, MARC A	
1940 DUKE STREET			ART UNIT	
ALEXANDRIA, VA 22314			PAPER NUMBER	

1772  
DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

10/824,502

Applicant(s)

KOBAYASHI ET AL.

Examiner

Marc A. Patterson

Art Unit

1772

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/15/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Objections*

1. Claim 1 is objected to because of the following informalities: Rubber is claimed as the material of the sleeve, but how the rubber is comprised is unclear. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 – 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Bottcher et al (U.S. Patent No. 4,390,745).

With regard to Claims 1 – 3 and 6 – 7, Bottcher et al disclose a sleeve that is tube shaped (tube, therefore a cylinder; column 9, lines 39 – 43) that is cold – shrinkable (elastic stresses urge the tube to recover into conformity with a substrate; the tube is therefore elastically recoverable; column 5, lines 63 – 68) comprising a rubber (elastomer; column 5, line 57), comprising an internal semiconductive layer (layer ‘9,’ which is semiconductive, and which is an internal layer as shown in Figure 2; column 10, lines 17 – 20) and which includes a semiconductive material (carbon black; column 3, lines 40 – 43) and an insulation layer that is formed around the internal semiconductive layer (insulating layer; column 5, lines 43 – 46) which is reinforced (comprising additives to achieve good discharge resistance; column 5, lines 43 – 46); the sleeve has two

stress – relief cones, wherein one stress relief cone is formed at each end of the sleeve (each cable shield end; column 6, lines 49 – 56); Bottcher et al also disclose additional layers outside of the layers of the sleeve (column 3, lines 13 – 27); Bottcher et al therefore disclose the addition of two sleeves to the outside of the sleeve, each of which is identical to the sleeve; Bottcher et al therefore discloses an external semiconductive layer, the semiconductive layer of the outermost sleeve, that includes an elastic material and a semiconductive material, and is formed around the reinforced insulation layer, and is insulated from both the stress – relief cones by the other insulation layer of the other additional sleeve.

With regard to Claim 5, Bottcher discloses edge – cut sections near each of the stress – relief cones (sections ‘x’ and ‘y’ in Figure 2, in which the semiconducting layers are cut off from each other); the claimed aspect of the sections being formed by cutting, however, is directed to a process limitation and is therefore given little patentable weight.

With regard to Claims 4 and 8, Bottcher et al do not disclose non – uniformities in thickness; Bottcher et al therefore disclose an external semiconductive layer having a substantially uniform thickness.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc A Patterson whose telephone number is 571-272-1497. The examiner can normally be reached on Mon - Fri 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Marc Patterson 6/12/06*  
Marc A. Patterson, PhD.  
Primary Examiner  
Art Unit 1772